

## REMARKS

Claims 44-47 and 63 are pending in the application. Claims 44-47 and 63 stand rejected.

Applicant requests reconsideration for at least the following reasons.

Claims 44-47 and 63 are rejected under 35 U.S.C. § 102(e) as anticipated by Turcotte et al. (U.S. 6,546,250) (Turcotte).

In the Office Action it appears that the call set up information receiving portion in applicant's claims is being equated with Turcotte's description of multiple transceivers which allow the reference to operate on different frequency ranges such as cellular and PCS.

Also it appears that applicant's claimed hand-off is equated with the description in column 5, lines 37-43 of Turcotte which describes hand-off in the cellular mode.

Column 8 of Turcotte describes handing-off to neighboring cells across each of the hyperbands. The possible list of targets is processed in view of the Received Mobile Station Selection Criteria to select for hand-off one of the cells in a hyperband. The mobile station receives a neighbor list identifying cells while in a call operating mode.

Applicant's claim 44, for example, recites: "a call setup information receiving portion, operable in a call setup process ... to receive from a first base transceiver station of the network call setup information .... to allocate respective uplink and downlink channels between the mobile station and at least one further base transceiver station of the network."

Applicant's claim recites the information is receives the information in the call setup process. This is different from Turcotte.

This is again recited in applicant's claim 44, in the hand-off control portion which also describes to employ a stored call setup information received in a call setup process.

In Turcotte, column 5, lines 37-43 it is described that the mobile station receives a neighbor list identifying cells while in a call operating mode. This is in contrast to applicant's claimed receiving information during a call setup mode.

Again, in Turcotte, column 8, lines 29-37 the reference describes "if the mobile station 32 is in on-call operating mode, the system will request and receive in step 45 the mobile stations programmed selection criteria. The mobile switching center 31 will then identify neighbor list identifying neighboring cells brought cross each of the hyberbands for handle (Step 47)."

The sections of Turcotte pointed to in the Office Action did not discuss the claimed features of claim 44.

Therefore applicant claim's that the information of a further base station is received during the call setup process and the hand-off control portion to employ a stored call setup information received in a call setup process.

In contrast Turcotte teaches receiving a neighbor list identifying cells while in a call operating mode or if in on-call operating mode, the system will request and receive in step 45 the mobile stations programmed selection criteria.

Claims 45-47 depend from claim 44 and include at least the above distinguishing features and further distinguishing features. Independent claim 63, although different from claim 44, includes at least the above distinguishing features.

For at least the above reasons it is respectfully requested the rejections be withdrawn.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ruel Myer", is written over a horizontal line.

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Docket No.: 100794-11686 (FUIJL 18.592)

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